

15. The method according to claim 13, further comprising:  
mounting the flexible lighting element and adjustable shape-retaining element in a translucent flexible covering.
16. The method according to claim 14, wherein said flexible covering is transparent.
17. The method according to claim 15, wherein said flexible covering is transparent.
18. The method according to claim 14, wherein the step of coupling includes incorporating the adjustable shape-retaining element in the flexible covering.
19. The method according to claim 15, wherein the step of coupling includes incorporating the adjustable shape-retaining element in the flexible covering.

#### **REMARKS**

Original claims 2, 4-5, 7, 11-12 have been amended; claim 1 has been cancelled;

Claims 5, 6 and 11 stand rejected under 35 U.S.C. § 112 as being indefinite or for failing to particularly pointing out and distinctly claiming the subject matter which applicants regards as the invention. Claims 1-3, 5-10 and 12-19 stand

rejected under 35 U.S.C. § 102(e) as being anticipated by PARKER et al (USP 6,185,356). Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over PARKER et al (USP 6,185,356). Applicant respectfully traverses the rejection, and requests reconsideration and allowance of all the pending claims in view of the following arguments.

Applicant respectfully submits that pursuant to the amended claims, specification and drawings claims 5, 6 and 11 in the subject application are now patentable under 35 U.S.C. § 112, second paragraph.

PARKER discloses a lighting device for illuminating a work area comprising light transmitting means for propagating light from an associated light source and cover means for allowing light to propagate through the transmitting means with minimal disturbance to internal reflection of light traveling therethrough (claim 1). The examiner has focused on the disclosure by PARKER of one embodiment of a formable "rope" lighting device, similar to the lighting device shown in Fig. 15A, and generally comprised of a light delivery portion including a light distributor with a connecting member for connecting the light distributor to a light source, and a light emitter (col. 12, lines 51-55). The light distributor is a formed light conduit adapted to propagate light therethrough via internal reflection (col. 7, lines 7-8).

Initially, Applicant notes that ""rope" lighting" mentioned by PARKER is not a rope light as known, simply because it is known in the art only in the last 2-3 years, and did not exist at the time of the disclosure by PARKER. Applicant further notes that claim 2 in the present application recites, *inter alia*, a lighting device

having a flexible lighting element which includes a plurality of tiny light bulbs molded in a plastic rope. The lighting element used by the present invention is a plurality of direct light sources that emit direct light in all directions, as known. The light element of the present application lacks a light distributor or light transmitting means or a light guide or a light conduit or a light emitter, thus it is not a light delivery system for propagating light generated at a light source to a light emitter, as disclosed by PARKER.

It is clear by the very nature of the light device disclosed by PARKER, that it is a device for transmitting light via a light conduit from a single associated light source at a first end of a light conduit to a light emitter or emitters at the second end of that conduit. In other words, PARKER does not teach or suggest a lighting device that includes a plurality of direct light sources in a single lighting device. Thus, the lighting device of the present invention comprises a different flexible lighting element than the one disclosed by PARKER, hence this reference is deficient relative to claim 2.

Still further, PARKER discloses an optional formable wire (1150) extending between light distributor (1160) and outer sleeve (1170; col. 13 lines 27-28). Clearly, PARKER neither teaches nor even suggests coupling a flexible lighting element which includes a plurality of tiny light bulbs molded in a plastic rope to an adjustable shape-retaining element. Therefore, claim 2 cannot read on PARKER nor can PARKER reasonably suggest integrally forming a metal wire with a rope light or coupling it therewith. In order for the Examiner to read this claim language on PARKER, it is necessary, at minimum, to construe the

language so broadly as to be inconsistent with the specification and drawings, which clearly show rope light and not a light distributing device with a single associated light source. Such a broad reading is not permitted.

Pursuant to the foregoing, Applicant respectfully submits that claims 2-3, 5-10 and 12-19 are patentable.

The Applicant respectfully further submits that the Examiner bears the initial burden to factually supporting any *prima facie* conclusion of obviousness. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all of the claim limitations.

Here, the claimed invention provides for a selectably shape-changeable lighting device by coupling a flexible lighting element that includes a plurality of direct light sources, tiny light bulbs molded in a plastic rope (a rope light) to an adjustable shape-retaining element.

PARKER does not teach or suggests coupling a lighting element which includes a plurality of tiny light bulbs molded in a plastic rope to an adjustable shape-retaining element to produce a flexible lighting device. To the contrary, PARKER teaches away from using a direct light source let alone a plurality of light sources molded in a plastic rope (as indeed noted by the Examiner on page 5 subparagraph 15) and coupled to an adjustable shape-retaining element.

The Applicant respectfully submits that, it would not have been obvious to one having ordinary skill in the art at the time that the subject matter invention

was made, to modify the plural light emitters internal to the flexible lighting element or optic tube disclosed by PARKER to include a plurality of light bulbs. As submitted *supra*, PARKER discloses a light distributor for transmitting and propagating light from a single source light along a flexible tube to be diffused indirectly by a light emitter (1010; Fig. 15A) placed at the tip of the light distributor and takes the form of a "glowing tip" (col. 12, line 65). Clearly, the light emitter disclosed by PARKER is neither a light source nor a direct light source, nor is it an equivalent thereto. Hence, a light bulb which is a direct light source is not an equivalent to a light emitter which is nothing more than a plurality of openings in the tip portion of the optic tube, diffusing light indirectly (Fig. 4A; col. 8 lines 11-12).

Obviously, the intensity and brightness of light emitted by the bulbs in a rope light are much greater and of better quality than the emitted from the punched openings of the device disclosed by PARKER. Thus, the Applicant respectfully traverses the Examiner's Official Notice of equivalence and requests reconsideration in respect thereof.

Since there is no suggestion or motivation to modify the teachings of PARKER, and since PARKER lacks several claim limitations, the Examiner's rejection fails to meet the first and third criteria for establishing a *prima facie* case of obviousness. Therefore, the Examiner's rejection must fail. Consequently, Applicant submits that claims 4 and 11 in the subject application are also patentable.

**Conclusion**

The Examiner's objections having been overcome, Applicant submits that the subject application is in condition for allowance and prompt issuance of an action to that effect is requested.

Respectfully submitted,

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>APPLICANT:</b>	<b>BLUM</b>
<b>Serial No.:</b>	<b>09/735,720</b>
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<b>For:</b>	<b>A flexible shape retaining lighting device</b>
<b>Examiner:</b>	<b>Alan Cariaso</b>
<b>Art Unit:</b>	<b>2875</b>

**MARK-UP VERSION OF CLAIMS**

Cancel claim 1.

2.     A [The] lighting device [according to claim 1] having a selectably changeable shape, comprising:  
  
        a flexible lighting element which includes a plurality of tiny light bulbs molded in a plastic rope; and  
  
        an adjustable shape-retaining element coupled to said flexible lighting element.
  
3.     The lighting device according to claim 2, wherein said adjustable shape-retaining element is integrally formed with said flexible lighting element.

4. The lighting device according to claim 3, wherein:

[said flexible lighting element includes a plurality of tiny light bulbs molded in a plastic tube; and]

said adjustable shape-retaining element is molded in said plastic rope.

5. The lighting device according to claim [1] 2, further comprising:

a translucent flexible covering coupled about said flexible lighting element.

6. The lighting device according to claim 5, wherein said flexible covering is transparent.

7. The lighting device according to claim [1] 2, comprising a flexible lighting element mounted in a translucent, flexible covering, said flexible covering including an adjustable shape-retaining element.

8. The lighting device according to claim 7, wherein said flexible covering is transparent.

9. The lighting device according to claim 2, wherein said flexible lighting element includes a rope light.



10. The lighting device according to claim 2, wherein said adjustable shape-retaining element is a metal wire.

11. The lighting device according to claim 7, wherein said adjustable shape-retaining element [includes shapeable wires] is incorporated in at least part of said flexible covering.

12. A method for providing a selectably changeable shape lighting device, the method comprising coupling an adjustable shape-retaining element to a flexible lighting element which includes a plurality of tiny light bulbs molded in a plastic rope.

13. The method according to claim 12, wherein said step of coupling includes integrally forming said adjustable shape-retaining element with said flexible lighting element.

14. The method according to claim 12, further comprising:  
mounting the flexible lighting element and adjustable shape-retaining element in a translucent flexible covering.

15. The method according to claim 13, further comprising:  
mounting the flexible lighting element and adjustable shape-retaining element in a translucent flexible covering.

16. The method according to claim 14, wherein said flexible covering is transparent.

17. The method according to claim 15, wherein said flexible covering is transparent.

18. The method according to claim 14, wherein the step of coupling includes incorporating the adjustable shape-retaining element in the flexible covering.

19. The method according to claim 15, wherein the step of coupling includes incorporating the adjustable shape-retaining element in the flexible covering.